

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PAUL YAHNE,

Plaintiff,

v.

WASHINGTON STATE  
DEPARTMENT OF  
CORRECTIONS *et al.*,

Defendants.

Case No. C04-5661FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court has considered the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE**. Plaintiff has failed to comply with multiple orders to file a proper amended complaint.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 10<sup>th</sup> day of August 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE